

# Establishment of the Human Smuggling and Trafficking Center



## A Report to Congress

*As required by Section 7202(d) of the  
"Intelligence Reform and Terrorism Prevention Act of 2004"*

June 16, 2005

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# Establishment of the Human Smuggling and Trafficking Center

*As required by Section 7202(d) of the “Intelligence Reform and Terrorism Prevention Act of 2004”*

## **Executive Summary**

Section 7202(d) of the *Intelligence Reform and Terrorism Prevention Act of 2004* (IRTPA) requires the transmittal of this report to Congress. This report outlines steps that have been taken to establish the Human Smuggling and Trafficking Center, and to identify its staffing and resource needs.

Human smuggling, trafficking in persons, and clandestine terrorist travel are transnational issues that threaten national security. In an innovative and crosscutting effort to address these inter-related issues, the Departments of State (State), Homeland Security (DHS), and Justice (DOJ) jointly signed a charter in July 2004 to establish the Human Smuggling and Trafficking Center (HSTC). The HSTC brings together federal agency representatives from the policy, law enforcement, intelligence, diplomatic, and consular arenas to work together on a full time basis to achieve increased progress in addressing U.S. Government and international efforts against these inter-related problems and turn intelligence into action.

A combination of on-site interdisciplinary expertise and accessibility to critical information provides U.S. Government agencies and foreign partners with a unique opportunity to more effectively address the issues of human smuggling, human trafficking, and clandestine terrorist travel. The HSTC serves as an intelligence fusion center and information clearinghouse that is designed to support interagency efforts to address these serious issues, and to foster greater cooperation and communication between relevant agencies.

The National Commission on Terrorist Attacks upon the United States (the 9/11 Commission) recommended that the United States combine terrorist travel intelligence, operations, and law enforcement in a strategy to intercept terrorists, find terrorist travel facilitators, and constrain terrorist mobility. The Congress and the President implemented the 9/11 Commission’s recommendation in §§ 7201 and 7202 of the *Intelligence Reform and Terrorism Prevention Act of 2004* (IRTPA). Section 7202 of IRTPA formally established the HSTC in statute. In addition to responsibilities enumerated in the HSTC’s original charter, § 7202 added significant responsibilities to the HSTC.

Section 7202 of IRTPA requires the HSTC to: (1) serve as the focal point for interagency efforts to address terrorist travel; (2) serve as a clearinghouse for *all* information from *all* Federal Government agencies in support of the United States strategy to address terrorist travel, human smuggling, and trafficking in persons (*emphasis added*); (3) ensure

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cooperation among relevant policy law enforcement, diplomatic, and intelligence agencies and to develop tactical, strategic, and operational intelligence to combat these illegal activities; (4) support the efforts of the National Counterterrorist Center; and (5) prepare an annual strategic assessment regarding vulnerabilities in the United States and international travel systems. In addition, this report is transmitted to the Congress in accordance with § 7202(d).

A great deal of progress has been made to stand-up the HSTC. A facility has been built; an interagency Steering Group has been formed; agencies have begun to provide staff; connectivity with critical agency databases is in progress; and the HSTC has begun producing and/or disseminating intelligence products and information in support of its partners.

This being said, there remains considerable work to be done for the HSTC to become capable of fulfilling its responsibilities under the interagency charter and IRTPA. This additional work generally falls into the areas of funding, staffing, data connectivity, establishing a firm administrative infrastructure, and delegating certain legal authorities to the HSTC's Director and staff.

DHS, DOJ, and State are negotiating an agreement required by the HSTC Charter to reimburse State for the costs related to the initial establishment of the HSTC and the ongoing administrative support and daily operating expenses. This agreement will also address the sharing of costs associated with the production of goods and services by the HSTC. While the funding agreement is important for the immediate future of the HSTC, it is critically important that a long-term funding mechanism be developed in order to support the HSTC's mission in a more consistent and reliable manner.

Staffing at the HSTC needs to be increased to effectively address the additional responsibilities and mandates created by § 7202 of the IRTPA. In particular, the HSTC requires the full-time assignment of a variety of subject matter experts. To these ends, the Administration is actively working to determine staffing needs and a viable, long-term funding mechanism.

The HSTC's *clearinghouse* function required by the IRTPA necessitates appropriate access to a significant number of agency data systems. Significant progress has been made in developing connectivity to several of these data systems. However, the HSTC and participating agencies are still working on obtaining access to certain key databases. The HSTC may also explore the creation of a centralized U.S. Government database to store relevant information related to illicit travel facilitators, as no such database currently exists. The HSTC needs to develop administrative and information-sharing support structures and procedures and to leverage legal authorities to accomplish its work.

The Human Smuggling and Trafficking Center is a valuable new tool in the U.S. Government's efforts to address terrorist travel, human smuggling, and human trafficking. When fully developed and resourced, it will significantly enhance the U.S. Government's effectiveness to combat these issues. The HSTC and its participating agencies look forward to working with the Congress to ensure its long-term success.

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# Establishment of the Human Smuggling and Trafficking Center

*As required by Section 7202(d) of the “Intelligence Reform and Terrorism Prevention Act of 2004”*

## **Purpose**

The National Commission on Terrorist Attacks upon the United States (the 9/11 Commission) found that targeting travel is at least as powerful a weapon against terrorists as targeting their money. It recommended that the United States combine terrorist travel intelligence, operations, and law enforcement in a strategy to intercept terrorists, find terrorist travel facilitators, and constrain terrorist mobility.<sup>1</sup>

Sections 7201 and 7202 of the *Intelligence Reform and Terrorism Prevention Act of 2004* (IRTPA) ([Attachment A](#)) help implement those recommendations. Central to the United States’ approach to target clandestine terrorist travel is the Human Smuggling and Trafficking Center (HSTC) established by § 7202(a) of the IRTPA. Section 7202(d) of IRTPA requires that the President transmit to Congress, no later than 180 days after enactment, a report regarding the implementation of § 7202,<sup>2</sup> including a description of the staffing and resource needs of the HSTC. This is that report.

## **Introduction**

Human smuggling, trafficking in persons, and clandestine terrorist travel are transnational issues that threaten national security, primarily with respect to terrorism, crime, health and welfare, and border control. They also raise significant human rights and rule of law concerns. The U.S. Government has sought to counter criminal smuggling and trafficking enterprises, both domestically and internationally, with varied success. However, more can and must be done. For terrorists, the ability to travel internationally is as important as bombs or guns. The criminal smuggling networks that facilitate terrorist travel are as much of a terrorism enabler as is a money launderer. Intensified efforts, together with enhanced interagency coordination, are urgently needed to support more effective law enforcement, diplomatic, and other actions to counter human smugglers, human traffickers, and terrorist travel facilitators.

To this end, the Secretary of State, the Secretary of Homeland Security, and the Attorney General signed the “Human Smuggling and Trafficking Center (HSTC) Charter” in July 2004 ([Attachment B](#)). In December 2004, as a central part of the efforts to combat terrorism, the President and the Congress established the HSTC by law pursuant to § 7202 of the *IRTPA*.

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<sup>1</sup> *The 9/11 Commission Report*, July 22, 2004, pg. 385

<sup>2</sup> Section 7202(d) of the *Intelligence Reform and Terrorism Prevention Act of 2004*.

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## Human Smuggling and Trafficking Center: Turning Intelligence Into Action

The HSTC is a joint venture of its participating agencies. It will use all-source information to form the most comprehensive picture of the problem facing federal agencies in their effort to attack terrorist travel, human smuggling, and human trafficking. The HSTC will inform the policy-making process and promote collaborative relationships with appropriate foreign authorities and international organizations. To achieve this, the HSTC will build on existing systems in the law enforcement and counterterrorist communities, such as NCTC Online<sup>3</sup>, as well as create additional structures to further support information-sharing across agency lines regarding human smuggling, human trafficking, and clandestine terrorist travel.

When it is fully staffed and resourced, the HSTC will be an effective weapon against human smugglers, human traffickers, and terrorist travel facilitators. However, for the HSTC to successfully carry out its statutory responsibilities, it needs the proper investment of personnel, funds, and resources as well as a complete data infrastructure and appropriate legal authorities. While § 7202 of the IRTPA reinforced the basic tenets of the HSTC Charter, it also significantly increased its statutorily mandated responsibilities. These responsibilities involve both time-consuming and resource-intensive activities. Fulfilling the requirements of § 7202 will necessitate the firm commitment and active participation of all agencies that share responsibilities for combating clandestine terrorist travel, human smuggling, and trafficking in persons. Success is dependent on broad access to information and the contribution of each agency's unique authorities, skills, and expertise. Success is also critically dependent on creating a reliable funding mechanism for the operation of the HSTC. To these ends, the Administration is actively working to determine staffing needs and a viable, long-term funding mechanism.

### Functions

The HSTC will perform the functions outlined in the Charter, as well as those additional requirements described by statute.

#### Charter

- ◆ **Facilitate Broad Dissemination of All-Source Information.** The HSTC will serve as an information fusion center and clearinghouse to ensure that all relevant federal agencies receive all useful information. It will share tactical, operational, and strategic intelligence and help focus diplomatic and foreign assistance strategies.
- ◆ **Prepare Strategic Assessments.** The HSTC will identify targets and provide information and critical assessments to help agencies prioritize targets for law enforcement, diplomatic, foreign assistance, and other actions.
- ◆ **Identify Issues for Possible Enhanced Interagency Coordination and/or Attention.**

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<sup>3</sup> NCTC Online is a National Counterterrorism Center system.

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- ♦ **Coordinate and/or Otherwise Support Select Initiatives.** Where appropriate, and upon the request of the relevant members of the community, the HSTC may coordinate or otherwise support particular initiatives or operations.

#### Statute

- ♦ **Serve as the focal point** for interagency efforts to address terrorist travel.
- ♦ **Serve as a clearinghouse** with respect to all relevant information from all Federal Government agencies in support of the United States strategy to prevent separate, but related, issues of clandestine terrorist travel and facilitation of human smuggling and trafficking of persons.
- ♦ **Ensure cooperation** among all relevant policy, law enforcement, diplomatic, and intelligence agencies of the Federal Government to improve effectiveness and to convert all information available to the Federal Government relating to clandestine terrorist travel and facilitation, human smuggling, and trafficking of persons into tactical, operational, and strategic intelligence that can be used to combat such illegal activities.
- ♦ **Prepare and submit to Congress, on an annual basis, a strategic assessment regarding vulnerabilities in the United States and foreign travel systems** that may be exploited by international terrorists, human smugglers and traffickers, and their facilitators.
- ♦ As part of its mission to combat terrorist travel, **support the efforts of the National Counterterrorism Center (NCTC).**

#### **Unique Capabilities**

The 9/11 Commission recommended new ways of organizing government efforts to combat terrorism and identified the need for a unity of effort among the many government participants in counter-terrorism. The HSTC is a crosscutting concept that adds the tools of diplomacy including international assistance and collaboration. This integrated approach will improve the U.S. Government's effectiveness in combating terrorism by supporting an enhanced worldwide focus on travel and identity document fraud. The HSTC's interagency environment provides the opportunity to apply this approach to human trafficking and human smuggling.

For the first time, the HSTC brings together federal agency representatives from the policy, law enforcement, intelligence, and diplomatic arenas to work together on a full-time basis to focus on the problems of human smuggling, human trafficking, and clandestine terrorist mobility. Additionally, the HSTC will have access to several interagency, national, and international databases that contain relevant information that may not be readily available through other sources. This combination of on-site expertise and properly regulated access to sensitive information provides the U.S. Government and foreign partners with a unique opportunity to more effectively identify and dismantle smuggling, trafficking, and terrorist travel facilitators by working together to attack these threats on multiple fronts.

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## **Implementation**

An interagency Steering Group, consisting of senior representatives of participating agencies, provides policy and administrative guidance and oversight for the HSTC and ensures that the HSTC operates in a manner that is consistent with constitutional liberties and national security requirements. The HSTC Director and two Deputy Directors, all senior U.S. Government officials, manage the day-to-day operation of the HSTC. They are accountable, through the Steering Group, to the Secretary of State, the Secretary of Homeland Security, and the Attorney General. The HSTC is staffed by detailed, full-time (and some currently part-time) officers, analysts, and other personnel from participating law enforcement, intelligence, and diplomatic agencies.

The HSTC is housed in a secure facility equipped with a wide range of secure data and communications capabilities. The facility is adequate for current and short-term staffing levels but has limited capacity to accommodate needed additional personnel.

Although it has only recently become operational, the HSTC is, on a limited basis, disseminating intelligence, producing strategic assessments, and assisting in the dismantling of significant human smuggling organizations, some with probable or suspected terrorist links.

## **Administrative/Operations Infrastructure**

As a new organization, the HSTC is building the structure, processes, and resources needed to carry out its mission. The HSTC is defining its relationships with agencies and interagency groups that focus on human smuggling, trafficking in persons, and combating terrorism. It has adopted standard operating procedures dealing with a host of issues. A number of Interconnectivity Security Agreements have been completed to maintain security of sensitive data systems.

The HSTC has drafted a Five-Year Strategic Plan, which the Steering Group is reviewing. Additionally, the Departments of State (State), Homeland Security (DHS), and Justice (DOJ) are negotiating an agreement required by the HSTC Charter to reimburse State for portions of ongoing administrative support and operating expenses of the HSTC. This agreement will also address the sharing of costs associated with the production of goods and services by the HSTC. Once complete, this mechanism will provide a vehicle for funding for the HSTC in the short term. Long-term funding mechanisms and staffing needs are currently being examined and addressing these issues will be critical to the ultimate success of the HSTC.

## **Production/Activities**

During the short time it has been in existence, the HSTC has begun to fulfill some of its original functions under the Charter. The accomplishments – secured with limited resources – hint at the potential of the HSTC. Following are some of the activities the HSTC has accomplished in accordance with these functions.



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### Facilitate Broad Dissemination of All-Source Information

HSTC staff is collecting, correlating, analyzing, and disseminating to appropriate agencies domestic and international information on human smuggling, trafficking in persons, and clandestine terrorist travel on a continual basis. This information includes:

- ◆ Daily SECRET cables from select U.S. Government sources via State's Cable Xpress.
- ◆ Human smuggling and trafficking incident and activity reports from domestic and foreign sources.
- ◆ U.S. and foreign fraudulent document alerts.
- ◆ Consular fraud notices and intelligence alert bulletins.
- ◆ Foreign law enforcement reports, notices, and alerts.
- ◆ Foreign strategic assessments.
- ◆ Creation and maintenance of four Web pages relating to the HSTC:
  - DHS Intranet Web Site: Working with the Immigration and Customs Enforcement's (ICE) Office of Intelligence, the HSTC has established an unclassified web site that can be accessed by authorized users by logging on to the DHS Intelligence Fusion Web Page, which is located on the DHS Intranet. The HSTC has posted a wide variety of unclassified documents relating to human smuggling and trafficking, visa fraud, terrorist mobility, and illegal migration issues.
  - Classified Web Site: Working with U.S. Coast Guard Intelligence, the HSTC has established a classified website on the U.S. Government SIPRnet System. The HSTC posts its products on this site, as well as other items of interest.
  - Public Information Website: A site has been established on State's Internet Website that provides information to the public.
  - E-Mail Access: The HSTC has established classified and unclassified e-mail mailboxes.

### Prepare Strategic Assessments

The HSTC has published a number of classified strategic assessments and informational reports. It has issued a major reference paper on the "Distinctions Between Human Smuggling and Human Trafficking" that is being used by both U.S. and foreign authorities, as well as several "snap shot" papers about human trafficking in various U.S. states. In addition, the HSTC is currently preparing new strategic assessments on significant international smuggling organizations, routes, and methods. The HSTC was given the U.S. Government lead on a joint U.S.-Canadian assessment on trafficking in persons for the Cross-Border Crime Forum.

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### Identify Issues for Possible Enhanced Interagency Coordination/Attention

The HSTC identifies issues related to human smuggling, trafficking in persons, and terrorist travel for referral to relevant agencies or interagency organizations for consideration and action, as appropriate. These issues will often have multiple domestic and foreign dimensions. The HSTC:

- ◆ Participates in the National Security Council's Policy Coordination Committee on International Organized Crime and its subgroups.
- ◆ Represents the United States at selected international conferences.
- ◆ Has briefed Congressional staff and various agencies' senior management.
- ◆ Reviews and comments on proposed legislation, testimony, regulations, and policies on a regular basis.

### Coordinate and/or Otherwise Support Select Initiatives

To support, coordinate, and deconflict investigative and other domestic or international initiatives, the HSTC has been active in a number of areas:

- ◆ Supporting a major investigative initiative involving South American human smuggling organizations.
- ◆ Hosting sensitive briefings about international smuggling organizations that may have ties to terrorist travel.
- ◆ Hosting the Bilateral US-Russian Working Group on Trafficking in Persons (an agreed bilateral step emanating from the G-8 Sea Island Summit.)
- ◆ Assisting in the coordination of DHS and DOJ projects under the \$50 million Presidential Initiative on Trafficking in Persons.
- ◆ Briefing the Senior Policy Operations Group, which coordinates U.S. anti-trafficking activities related to National Security Presidential Directive (NSPD-22), regarding the HSTC's activities to address human trafficking.
- ◆ Supporting the efforts of the Interagency Working Group on Migrant Smuggling and Trafficking in Persons and its sub-groups.
- ◆ Participating in the DHS Trafficking in Persons Working Group.

### **Meeting the Mandates**

While § 7202 of the IRTPA mandates that the HSTC shall be operated in accordance with the HSTC Charter, it also significantly increased the HSTC's responsibilities. The original intent for the HSTC, as expressed in the interagency Charter, was to foster greater integration and overall effectiveness in U.S. enforcement and other response efforts and promote similar intensified efforts by foreign governments and international

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organizations to combat the separate but related issues of human smuggling, human trafficking, and clandestine terrorist travel.<sup>4</sup> While these remain core missions of the HSTC, the IRTPA refocused how the HSTC is to achieve these goals by mandating it to:

- ◆ Serve as the **focal point** for interagency efforts to address terrorist travel.
- ◆ Serve as a **clearinghouse** for *all* relevant information from *all* Federal Government agencies.
- ◆ **Ensure cooperation** among all relevant federal agencies to improve effectiveness and to convert all related information into tactical, operational, and strategic intelligence for use in combating these illegal activities.

### **Serving as Focal Point and Clearinghouse**

Under the combined requirements of the IRTPA and the Charter, the HSTC is directed to receive, collate, analyze, synthesize, and disseminate all information from all relevant federal agencies, foreign authorities, international organizations, and other sources on human smuggling, human trafficking, and criminal support to terrorist travel. The HSTC will turn this information into tactical, operational, and strategic intelligence intended to improve effectiveness in U.S. Government response efforts. The HSTC will serve not only as a source of information, but also as a source of guidance and coordination in the fight against human trafficking, human smuggling, and criminal support of terrorist travel. Government entities will be able to come to the HSTC for information on these areas of concern, and the HSTC is authorized to request specific information from all other federal agencies that share in the responsibility to combat these criminal activities. Additionally, the HSTC will pursue collaborative relationships with appropriate foreign authorities and international organizations to obtain information and promote efforts against these criminal activities. In coming months, the HSTC will build a relationship with the new office of the Director of National Intelligence (DNI).

### Operational and Tactical Intelligence

To produce operational and tactical intelligence, the HSTC will review incoming information from appropriate sources to selectively identify, assess, and monitor methods, networks, organizations, and individuals involved in terrorist mobility, human smuggling, and trafficking in persons. HSTC personnel will match this information with existing data and synthesize and analyze the body of information to provide tactical and operational support to law enforcement. This information will be shared routinely with the relevant agencies to promote coordination and cooperation and hence improved effectiveness of the U.S. Government's efforts. When appropriate, the HSTC will bring together agencies that are targeting the same or related individuals and/or organizations to aid in coordination and deconfliction. The HSTC will support and exchange information with the NCTC, other U.S. agencies, and interagency centers. It will exchange, as appropriate, information with foreign authorities and international organizations fighting terrorism, trafficking in persons, and human smuggling.

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<sup>4</sup> *Human Smuggling and Trafficking Center Charter*, July 9, 2004, pg. 4

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Upon request, the HSTC may coordinate anti-smuggling, anti-trafficking, or anti-illicit travel initiatives and response actions, if appropriate. This may include:

- ◆ Establishing cooperative partnerships with foreign authorities or international organizations to deter, disrupt, and dismantle criminal enterprises involved in human smuggling, fraudulent document production, and human trafficking activity.
- ◆ Providing other support to initiatives or response actions being conducted or coordinated by members of the U.S. Government community of interest.

### Strategic Intelligence

While both tactical and operational intelligence are generally immediate and time sensitive, strategic intelligence is forward-looking, designed to help identify potential threats, concerns, and vulnerabilities, as well as methods to counter them. In coordination with its partners, the HSTC will support the development and refinement of related policies and initiatives. It will provide information and critical assessments to help agencies prioritize law enforcement and intelligence-collection targets, diplomatic actions, and foreign assistance. The HSTC products will help guide resource-allocation for law enforcement, diplomatic, foreign assistance, and other actions. Additionally, the IRTPA requires the HSTC to prepare and submit to Congress, on an annual basis, a strategic assessment regarding vulnerabilities in the United States and foreign travel system that may be exploited by international terrorists, human smugglers and traffickers, and their facilitators. As detailed in this report, the HSTC will require significantly increased staffing, access to data systems, related resources, and agreed procedures for sharing information with federal agencies before it will be capable of fully carrying out this statutory requirement.

### **Ensuring Cooperation**

The IRTPA requires the HSTC to “ensure cooperation” among all relevant agencies of the Federal Government. To meet this requirement, the HSTC will foster a collaborative environment through full-time participation by federal policy, law enforcement, diplomatic, and intelligence agencies that share responsibilities for combating human smuggling, trafficking in persons, and clandestine terrorist travel. The HSTC will have appropriate access to relevant U.S. Government information, both through established regular channels and through the ongoing interaction with assigned professional staff and their parent agencies.

The HSTC will report annually to the Secretary of State, Secretary of Homeland Security, and the Attorney General on the cooperation and support afforded the HSTC by participating agencies, as well as any informational gaps that may require new or revised collection efforts. The report will be shared with the Director of National Intelligence.

### **Staffing**

A professional workforce is fundamental to fulfilling the mission and goals of the HSTC. This staff will represent relevant policy, law enforcement, diplomatic, and intelligence agencies of the Federal Government involved in monitoring and controlling the movement of people across international borders. Their efforts in facilitating legal

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movement and stopping illegal movement are the foundations of the U.S. Government's battle against terrorist mobility, human smuggling, and human trafficking. Bringing their unique knowledge, authorities, and skills together in a single, focused effort will forge a tool that will become a standard in effective intelligence-based enforcement and security.

### Participating Agencies

There are many federal agencies and components that share the responsibilities for addressing clandestine terrorist travel and facilitation, human smuggling, or trafficking in persons. These agencies include:

- ◆ **Department of Homeland Security:** Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), U.S. Coast Guard (USCG), Information Analysis and Infrastructure Protection (IAIP), Citizenship and Immigration Services (CIS), and Transportation Security Administration (TSA).
- ◆ **Department of State:** International Narcotics and Law Enforcement Affairs (INL), Diplomatic Security (DS), Consular Affairs (CA), Intelligence and Research (INR), Office to Monitor and Combat Trafficking in Persons (GTIP), and Office of the Coordinator for Counterterrorism. (S/CT).
- ◆ **Department of Justice:** Criminal Division (CRM), Civil Rights Division (CRT), Office of Justice Programs (OJP), and Federal Bureau of Investigations (FBI).
- ◆ **Intelligence Community not listed above:** National Counterterrorism Center (NCTC), National Security Agency (NSA), National Directorate of Intelligence (NDI), and Central Intelligence Agency (CIA).

Currently, total staffing of the HSTC consists of seven full-time and three part-time personnel. Officers from ICE, INL, and CRM are assigned to the HSTC on a full-time basis. The FBI, USCG, and INL have assigned staff to the HSTC on a part-time basis. Additionally, CRM, CRT, FBI, INL, and the NCTC have either selected candidates and/or announced new or additional positions for full-time appointment to the HSTC.

### Nature and Type of Expertise

An organization is only as good as its human resources. Participating agencies will bring to the HSTC a variety of training and expertise. To ensure a Center that fulfills its potential, the professional staff will have knowledge and expertise in one or many of the following areas: law enforcement, criminal investigation, criminal law, human and contraband smuggling, human trafficking, national and border security, passenger and cargo control, port security, immigration and consular law and fraud, document fraud, money laundering (including financial analysis), immigration benefits, asylum and refugee programs, transportation systems and security, transnational organized crime, physical and information security, passport and visa issuance, foreign assistance, foreign policy, diplomacy, anti-corruption, and physical and information security. They will have professional training as criminal investigators, border patrol agents, inspectors, intelligence analysts, intelligence collectors, document specialists, consular affairs officers, attorneys, foreign service officers, immigration officers, and a wide variety of program analysts and specialists.

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## Data Systems and Analytical Tools

The HSTC will have appropriate access to relevant information, be able to communicate at required security levels, and have the tools and capabilities to access, analyze, maintain, and disseminate that information. The following systems are either fully functional or are in the process of being made available to appropriate personnel at the HSTC:

- ◆ **Department of State:** Joint Worldwide Intelligence Communications System (JWICS); Consolidated Consular Database (CCD); State Department cable system; classified and unclassified communications and data systems.
- ◆ **Department of Homeland Security:** Homeland Security Data Network (HSDN); Homeland Security Information Network (HSIN); Treasury Enforcement Communications System (TECS); Intelligence Fusion Page; USCG Unclassified System; USCG Classified (Secret, including SIPRnet and Human Smuggling and Migration database); all immigration-related databases, including CIS, ENFORCE, CLAIMS, etc.
- ◆ **Department of Justice:** FBIInet and FBI SCION.
- ◆ **Intelligence Community not otherwise listed:** CIA data lines and node.

The HSTC plans to have the following systems available to appropriate personnel in the near future:

- ◆ Intelligence Community: NSA various systems
- ◆ Stoneghost: Critical for secure communications with several U.S. and foreign partners.
- ◆ Public Data Warehouses (via contract)

In addition to having access to the above systems, the HSTC will examine the possibility of developing databases and applications to help meet its mandates, especially as they relate to serving as a “clearinghouse” of all relevant information. For example, the U.S. Government currently has no central repository for information on human smugglers and/or traffickers or their facilitators. The existing data resides segmented in multiple systems, in multiple agencies, and in multiple classification levels. Ultimately the creation and maintenance of such a database could greatly improve the effectiveness of the Federal Government’s efforts to combat clandestine terrorist travel and facilitation, human smuggling, and trafficking in persons. This potential database could be the foundation for successfully converting the government’s information into actionable intelligence that can drive law enforcement, diplomacy, foreign assistance, and other actions. The HSTC may be the logical location for such a database.

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## **Conclusion**

The HSTC was established to meet three inextricably intertwined international threats to national security or human rights, all of which tend to have the common denominator of illicit or fraudulent travel. These threats - human smuggling, trafficking in persons, and criminal support of clandestine terrorist travel - are serious concerns for the United States. Clandestine travel is as much an enabler of terrorism as is terrorist financing. Criminal support of terrorist mobility can assist terrorists with entering the United States for the purpose of killing Americans or our friends.

The Executive Branch of the United States Government and the Congress identified a critical vulnerability in United States defenses against these threats – which is the lack of an interagency mechanism to share vital information across agency and institutional lines. Information sharing can be one of our greatest weapons against the international criminal travel industry that threatens security and the rule of law. The HSTC interagency fusion center was established to break down interagency barriers, thus creating a seamless web of information, and helping to turn that information into action against human smuggling, human trafficking, and criminal facilitation of terrorist travel.

The HSTC supports global efforts against vast networks of sophisticated criminal enterprises and corrupt foreign public officials, that enslave victims, threaten the rule of law, and provide support to international terrorists. A well established, well resourced, and strongly staffed HSTC will support the NCTC, as well as the Departments of State, Justice, and Homeland Security, and other federal agencies. To ensure success, the HSTC will continue to pursue the necessary tools, including a funding mechanism, increased personnel, continued development of information and physical infrastructure, and the development of cooperative relationships with the community of interest. Working with its partners, the HSTC will be an efficient and effective weapon against human smugglers, human traffickers, and terrorist travel facilitators.

## INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

### TITLE VII—IMPLEMENTATION OF 9/11 COMMISSION RECOMMENDATIONS

#### *Subtitle B—Terrorist Travel and Effective Screening*

##### **SEC. 7201. COUNTERTERRORIST TRAVEL INTELLIGENCE.**

(a) *FINDINGS.*—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) *Travel documents are as important to terrorists as weapons since terrorists must travel clandestinely to meet, train, plan, case targets, and gain access to attack sites.*

(2) *International travel is dangerous for terrorists because they must surface to pass through regulated channels, present themselves to border security officials, or attempt to circumvent inspection points.*

(3) *Terrorists use evasive, but detectable, methods to travel, such as altered and counterfeit passports and visas, specific travel methods and routes, liaisons with corrupt government officials, human smuggling networks, supportive travel agencies, and immigration and identity fraud.*

(4) *Before September 11, 2001, no Federal agency systematically analyzed terrorist travel strategies. If an agency had done so, the agency could have discovered the ways in which the terrorist predecessors to al Qaeda had been systematically, but detectably, exploiting weaknesses in our border security since the early 1990s.*

(5) *Many of the hijackers were potentially vulnerable to interception by border authorities. Analyzing their characteristic travel documents and travel patterns could have allowed authorities to intercept some of the hijackers and a more effective use of information available in government databases could have identified some of the hijackers.*

(6) *The routine operations of our immigration laws and the aspects of those laws not specifically aimed at protecting against terrorism inevitably shaped al Qaeda's planning and opportunities.*

(7) *New insights into terrorist travel gained since September 11, 2001, have not been adequately integrated into the front lines of border security.* (8) *The small classified terrorist travel intelligence collection and analysis program currently in place has produced useful results and should be expanded.*

(b) *STRATEGY.*—

(1) *IN GENERAL.*—Not later than 1 year after the date of enactment of this Act, the Director of the National Counterterrorism Center shall submit to Congress unclassified and classified versions of a strategy for combining terrorist travel intelligence, operations, and law enforcement into a cohesive effort to intercept terrorists, find terrorist travel facilitators, and constrain terrorist mobility domestically and internationally. The report to Congress should include a description of the actions taken to implement the strategy and an assessment regarding vulnerabilities within the United States and foreign travel systems that may be exploited by international terrorists, human smugglers and traffickers, and their facilitators.

(2) *COORDINATION.*—The strategy shall be developed in coordination with all relevant Federal agencies.

(3) *CONTENTS.*—The strategy may address—

(A) *a program for collecting, analyzing, disseminating, and utilizing information and intelligence regarding terrorist travel tactics and methods, and outline which Federal intelligence, diplomatic, and law enforcement agencies will be held accountable for implementing each element of the strategy;*

(B) *the intelligence and law enforcement collection, analysis, operations, and reporting required to identify and disrupt terrorist travel tactics, practices, patterns, and trends, and the terrorist travel facilitators, document forgers, human smugglers, travel agencies, and corrupt border and transportation officials who assist terrorists;*

(C) *the training and training materials required by consular, border, and immigration officials to effectively detect and disrupt terrorist travel described under subsection (c)(3);*



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- (D) the new technology and procedures required and actions to be taken to integrate existing counterterrorist travel document and mobility intelligence into border security processes, including consular, port of entry, border patrol, maritime, immigration benefits, and related law enforcement activities;
- (E) the actions required to integrate current terrorist mobility intelligence into military force protection measures;
- (F) the additional assistance to be given to the interagency Human Smuggling and Trafficking Center for purposes of combating terrorist travel, including further developing and expanding enforcement and operational capabilities that address terrorist travel;
- (G) the actions to be taken to aid in the sharing of information between the frontline border agencies of the Department of Homeland Security, the Department of State, and classified and unclassified sources of counterterrorist travel intelligence and information elsewhere in the Federal Government, including the Human Smuggling and Trafficking Center;
- (H) the development and implementation of procedures to enable the National Counterterrorism Center, or its designee, to timely receive terrorist travel intelligence and documentation obtained at consulates and ports of entry, and by law enforcement officers and military personnel;
- (I) the use of foreign and technical assistance to advance border security measures and law enforcement operations against terrorist travel facilitators;
- (J) the feasibility of developing a program to provide each consular, port of entry, and immigration benefits office with a counterterrorist travel expert trained and authorized to use the relevant authentication technologies and cleared to access all appropriate immigration, law enforcement, and intelligence databases;
- (K) the feasibility of digitally transmitting suspect passport information to a central cadre of specialists, either as an interim measure until such time as experts described under subparagraph (J) are available at consular, port of entry, and immigration benefits offices, or otherwise;
- (L) the development of a mechanism to ensure the coordination and dissemination of terrorist travel intelligence and operational information among the Department of Homeland Security, the Department of State, the National Counterterrorism Center, and other appropriate agencies;
- (M) granting consular officers and immigration adjudicators, as appropriate, the security clearances necessary to access law enforcement sensitive and intelligence databases; and
- (N) how to integrate travel document screening for terrorism indicators into border screening, and how to integrate the intelligence community into a robust travel document screening process to intercept terrorists.

**SEC. 7202. ESTABLISHMENT OF HUMAN SMUGGLING AND TRAFFICKING CENTER.**

- (a) **ESTABLISHMENT.**—There is established a Human Smuggling and Trafficking Center (referred to in this section as the “Center”).
- (b) **OPERATION.**—The Secretary of State, the Secretary of Homeland Security, and the Attorney General shall operate the Center in accordance with the Memorandum of Understanding entitled, ‘Human Smuggling and Trafficking Center (HSTC), Charter’.
- (c) **FUNCTIONS.**—In addition to such other responsibilities as the President may assign, the Center shall—
- (1) serve as the focal point for interagency efforts to address terrorist travel;
  - (2) serve as a clearinghouse with respect to all relevant information from all Federal Government agencies in support of the United States strategy to prevent separate, but related, issues of clandestine terrorist travel and facilitation of migrant smuggling and trafficking of persons; (3) ensure cooperation among all relevant policy, law enforcement, diplomatic, and intelligence agencies of the Federal Government to improve effectiveness and to convert all information available to the Federal Government relating to clandestine terrorist travel and facilitation, migrant smuggling, and trafficking of persons into tactical, operational, and strategic intelligence that can be used to combat such illegal activities; and (4) prepare and submit to Congress, on an annual basis, a strategic assessment regarding vulnerabilities in the United States and foreign travel system that may be exploited by international terrorists, human smugglers and traffickers, and their facilitators.
- (d) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the President shall transmit to Congress a report regarding the implementation of this section, including a description of the staffing and resource needs of the Center.
- (e) **RELATIONSHIP TO THE NCTC.**—As part of its mission to combat terrorist travel, the Center shall work to support the efforts of the National Counterterrorism Center.



## HUMAN SMUGGLING AND TRAFFICKING CENTER (HSTC) Charter

### **Introduction**

The related global problems of migrant smuggling, trafficking in persons and clandestine terrorist travel are increasingly significant both in terms of the human tragedy they represent and their impact on national security, primarily with respect to terrorism, crime, health and welfare, and border control. Notwithstanding recent progress in combating these global problems, there remains additional work to be done before the U.S. Government response effort is fully commensurate with the seriousness of these national security threats. Furthermore, the attacks of September 11, 2001 and the war on terrorism have necessitated a reappraisal of the United States Government's response to terrorist travel and the role of the Human Smuggling and Trafficking Center ("The Center").

One clear need is to improve the effectiveness of ongoing interagency efforts, particularly in supporting the conversion of intelligence into appropriate enforcement and other response actions. With this in mind, the Secretary of State, the Secretary of Homeland Security and the Attorney General are hereby jointly re-establishing the Human Smuggling and Trafficking Center to achieve greater integration and overall effectiveness in U.S. Government enforcement and other response efforts and to promote intensified efforts by foreign governments and international organizations to combat these problems.

### **Background**

While at their core distinct phenomena, the global problems of migrant smuggling, trafficking in persons and clandestine terrorist travel share a number of characteristics, particularly the underlying organized crime activity and the human suffering experienced by those who are victims. Each year, hundreds of thousands of illegal migrants are moved by international smuggling organizations, often in harsh or even inhuman transit conditions, from their countries of origin to the United States. UN estimates indicate that human smuggling has grown to a \$10 billion per year global criminal industry. Concern is growing that terrorist organizations have tapped or will tap into this global criminal infrastructure. Alien smugglers and fraudulent document providers use their skills to facilitate the movement of terrorists across international borders. Trafficking in persons, with women and children the predominant targets of criminal enterprises occurs both within countries and across

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borders. It involves an estimated 800,000 to 900,000 individuals trafficked across international borders each year. The U.S. Government estimates 18,000 to 20,000 victims are trafficked to the United States annually. These victims are typically forced, coerced or lured through fraud into slavery-like conditions.

Migrant smuggling, trafficking in persons and clandestine terrorist travel are transnational issues that threaten national security. They also raise significant human rights and rule of law concerns. In addition, these problems often involve facilitation by corrupt foreign officials, thereby eroding democratic institutions.

The U.S. Government has been seeking to counter the criminal smuggling and trafficking enterprises, both domestically and internationally, with increasing success. However, the federal agencies involved have all acknowledged that intensified efforts, together with enhanced interagency coordination, are urgently needed to support more effective law enforcement, diplomatic and other actions to counter smugglers and traffickers.

### **National Policy**

Current U.S. Government policy calls for sustained and coordinated federal agency efforts to address migrant smuggling, trafficking in persons, and clandestine terrorist travel as a matter of national priority. Relevant authorities in this context include the following:

- Presidential Directive on Procedures for Dealing with Non-Military Incidents (PD-27), January 19, 1978;
- PDD/NSC-9, Alien Smuggling, June 18, 1993;
- Presidential Memorandum on Deterring Illegal Immigration, February 7, 1995;
- PDD/NSC-35, Intelligence Priorities, March 2, 1995;
- PDD/NSC-42, International Organized Crime, October 21, 1995;
- Presidential Executive Memorandum on Steps to Combat Violence Against Women and Trafficking in Women and Girls, March 11, 1998;
- President's International Crime Control Strategy, May 1998;
- Victims of Trafficking and Violence Protection Act of 2000, Pub.L. 106-386;
- Presidential Statement of December 15, 2000
- Homeland Security Presidential Directive – 2, October 29, 2001
- President's National Security Strategy, September 2002;
- National Security Presidential Directive on Combating Trafficking in Persons (NSPD-22), December 2002;

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- National Strategy for Combating Terrorism, February 2003; and
  - Trafficking Victims Protection Reauthorization Act of 2003, Pub.L. 108-193.

### **Definitions**

Key terms used in this charter are defined as set forth below:

- **Community of Interest:** All of the U.S. Government agencies, including missions abroad, having policy, law enforcement, intelligence, diplomatic and/or administrative responsibilities related to migrant smuggling and/or trafficking in persons; the community of interest includes, but is not limited to, the following: (1) the Departments of State, Defense, Homeland Security, Justice and Labor; (2) various federal law enforcement agencies, including the Directorate of Border and Transportation Security, the Federal Bureau of Investigation, the Coast Guard, and the Diplomatic Security Service; and (3) several national intelligence agencies, including the Central Intelligence Agency and the National Security Agency.
- **Foreign Terrorist Tracking Task Force:** Interagency organization established to provide information that helps keep foreign terrorists and their supporters out of the United States or leads to their exclusion, removal, surveillance, or prosecution.
- **President's Interagency Task Force to Monitor and Combat Trafficking in Persons:** The cabinet-level interagency task force established pursuant to the Victims of Trafficking and Violence Protection Act of 2000 and Executive Order 13257.
- **Senior Policy Operating Group (SPOG):** Interagency group consisting of senior officials designated as representatives of the appointed members of the President's Interagency Task Force to Monitor and Combat Trafficking in Persons. The SPOG includes representatives from the Department of State (DOS), Department of Justice (DOJ), Department of Labor (DOL), Health and Human Services (HHS), Central Intelligence Agency (CIA), Office of Management and Budget (OMB), Agency for International Development (AID), and Department of Homeland Security (DHS), under the leadership of the Department of State's Director of the Office to Monitor and Combat Trafficking in Persons. The SPOG coordinates agency activities regarding policies involving international trafficking in persons.
- **Migrant Smuggling:** The procurement of the illegal entry of a person into a country of which the person is not a national or a permanent resident. Illegal entry means crossing borders without complying with the necessary requirements for legal entry into the relevant country. *Note:* this definition is derived from that provided in the text of the relevant protocol to the United Nations Convention Against Transnational Organized Crime, 8 U.S.C. 1324.

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- **Migrant Smuggling and Trafficking Interagency Working Group:** The interagency working group established by the National Security Council's Policy Coordination Committee on International Crime as a forum for coordinating increased interagency efforts against the migrant smuggling problem. This working group is co-chaired by the Departments of State and Justice.
  - **Office to Monitor and Combat Trafficking in Persons:** The office, which was created pursuant to the Victims of Trafficking and Violence Protection Act, that is responsible for supporting the work of the Presidents Interagency Task Force to Monitor and Combat Trafficking in Persons and the Senior Policy Operating Group.
  - **\*Severe Forms of Trafficking in Persons:** A) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or B) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. Note: This definition is derived from that provided in the Trafficking Victims Protection Act of 2000, Pub.L106-386. \*For purposes of this document the term trafficking in persons will be used.
  - **Trafficking in Persons and Worker Exploitation Task Force:** The interagency task force, established by the Attorney General and the Secretary of Labor, which has specific responsibility for coordinating investigations and prosecutions of trafficking in persons cases across the United States.
  - **Clandestine Terrorist Travel:** Traveling under the radar in true name or in alias in support of a terrorist operation often with the help of the illicit travel, which can either be terrorist or criminal networks.

### **Purpose**

The Center shall provide information in support of the U.S. strategy to counter migrant smuggling and trafficking of persons, which consists of three primary objectives: (1) prevention and deterrence of smuggling and related trafficking activities; (2) investigation and prosecution of the criminals involved in such activity; and (3) protection of and assistance for victims as provided in applicable law and policy. This three-part, interrelated strategic agenda has both domestic and international components.

The Center is a voluntary joint venture of its participating agencies to foster greater integration and overall effectiveness in U.S. Government enforcement, diplomatic and other response efforts; intensify efforts by foreign governments and international organizations; and to combat migrant smuggling, trafficking in persons, and clandestine terrorist travel. This initiative brings together federal agency representatives from the policy, law enforcement, intelligence, and diplomatic arenas to work together on a full-

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time basis to achieve increased progress in addressing these problems, particularly in terms of converting intelligence into effective enforcement and other response actions to further the strategic objectives identified above.

The Center will make full use of all-source migrant smuggling, trafficking in persons, and clandestine terrorist travel information in order to form the most comprehensive possible picture for the community of interest. It will have no independent authority to directly conduct intelligence collection or other operations, however it may influence collection strategies. Any tasking of the Intelligence Community will rely on the underlying authorities of the participating agencies.

The Center will create a structure to institutionalize sharing across agency lines of intelligence regarding migrant smuggling, trafficking in persons, and clandestine terrorist travel.

The Center shall promote and encourage collaborative relationships with appropriate foreign authorities.

The Center's efforts will be fundamentally supportive rather than directive in nature, consisting primarily of: facilitating the dissemination of intelligence; preparing strategic assessments; identifying issues that would benefit from enhanced interagency coordination and/or attention; and coordinating or otherwise supporting agency or interagency efforts in appropriate cases. To perform these functions, the Center will need to ensure its access to relevant U.S. Government information, both through established regular channels and through the ongoing interaction of professional staff provided by their parent agencies.

The Center will not have policy-making authority; however, it is expected that the Center, by performing the functions elaborated below, will both inform and influence the relevant policy-making processes within the purview of key agency officials and existing interagency forums.

The Center's purview will be inclusive, rather than exclusive. It will cover the entire realm of migrant smuggling, false documents, trafficking in persons and clandestine travel.

The Center – relying on full-time staff and extensive interagency consultations to integrate all of the relevant perspectives on the related problems of migrant smuggling, trafficking in persons, and clandestine terrorist travel – will perform the following principal functions:

1. Facilitate Broad Dissemination of All-Source Information: Subject to the applicable originator and classification restraints, and to essential compartmentation procedures, the Center will serve as an all-source information fusion center and clearinghouse, with a view to ensuring that the entire community of interest receives all useful information relating to migrant smuggling, trafficking in persons and clandestine terrorist travel. This function will allow the Center to foster a collaborative environment through enhanced interaction, information sharing and synergy among U.S. officials

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involved in the fight against migrant smuggling, trafficking, and clandestine travel. Examples of relevant information include: law enforcement tactical and operational information; strategic national intelligence; overviews of current federal laws, policies and guidelines; contact lists for key federal agency personnel; “early warning” and update bulletins on emerging policy, law enforcement and other developments; and public and diplomatic outreach materials.

The Center will actively promote cooperative information sharing relationships with officials and agencies of foreign authorities that share our immigration and national security concerns, as appropriate. The Steering Group shall decide any questions as to appropriateness. The Center will also encourage intelligence agencies and other originators to disseminate, to the maximum extent possible, actionable information to all of the officials and agencies in a position to take effective enforcement action, to include officials and agencies of foreign governments in appropriate circumstances.

Note: Information provided in accordance with applicable law to the Center and other recipients by intelligence community agencies, whether provided for intelligence purposes or to assist law enforcement, may be used only to develop potential investigative leads, and may not be further disseminated to law enforcement field offices except per procedures and in formats prescribed by the originating intelligence agencies. Such information cannot be used in affidavits or subpoenas, as evidence before grand juries or in court proceedings, or for other legal or judicial purposes except as may be authorized by the originating agency pursuant to applicable law.

2. Prepare Strategic Assessments: The Center will prepare periodic strategic assessments related to important aspects of all three problems. These comprehensive assessments will address such topics as: the principal global smuggling and trafficking organizations, to include the nature, scope and significance of their activities; the extent of progress in disrupting or dismantling key smuggling and trafficking organizations; proven law enforcement and other approaches for countering these problems; vulnerabilities; opportunities for action, and current trends and predictions. All such assessments will be provided to the relevant agencies and interagency centers and organizations, as appropriate.

The primary purpose of these analytic efforts will be to inform the deliberations of those agencies and interagency bodies which carry out specific responsibilities for: developing and refining anti-smuggling/trafficking policy and initiatives with intelligence, law enforcement and/or related diplomatic dimensions; identifying and prioritizing the targets of law enforcement and law enforcement-related strategies; and allocating the resources to implement such strategies. It is expected that these assessments will prove particularly useful to the relevant agencies, interagency groups and task forces having responsibility to establish U.S. Government priorities with respect to migrant smuggling and trafficking in persons, respectively.

3. Identify Issues for Possible Enhanced Interagency Coordination/Attention: The Center will identify issues that might benefit from enhanced interagency coordination and/or attention. These issues will be referred to the relevant agencies

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and/or interagency bodies for consideration and action, as appropriate. The issues may include any topic related to migrant smuggling, trafficking in persons, and illicit terrorist travel support.

4. Coordinate Select Initiatives and Provide Other Support: Where appropriate, and only upon the request of the relevant member(s) of the community of interest, the Center may coordinate anti-smuggling, anti-trafficking, or anti-illicit travel initiatives and any response actions. Specific contexts in which Center coordination might prove advantageous include: establishing cooperative partnerships with select foreign governments to deter, disrupt and dismantle criminal enterprises involved in migrant smuggling, fraudulent document production, and/or human trafficking activity; planning and monitoring progress of certain operations with intelligence, enforcement and diplomatic dimensions; and supporting public outreach efforts initiated by the appropriate members of the community of interest.

### **Steering Group**

A Steering Group will be established to provide policy and administrative guidance and oversight for the Center. The Steering Group will ensure that the Center operates in a manner that is consistent with Constitutional liberties and national security requirements. Current privacy and other legal protections will apply to the Center.

The Steering Group will be co-chaired by senior representatives of the Secretary of State, the Secretary of Homeland Security and the Attorney General. The other members will be appointed by the following agencies: two representatives from the Department of State; two representatives from the Department of Homeland Security; two representatives from the Department of Justice; two representatives from the Central Intelligence Agency; and one representative from the National Security Agency. The Director of Central Intelligence in consultation with the Director of the National Security Agency shall appoint the representatives from the Intelligence Community.

The Steering group shall be responsible for adding or otherwise adjusting participation of the body. It shall also be responsible for approving any future amendments to the Charter.

### **Budget**

The Department of State, Bureau for International Narcotics and Law Enforcement Affairs, shall provide administrative support and funding required to set up and maintain the Center, including funds for office space, operating expenses and support staff. As required by the Economy Act, the Department of Justice and Department of Homeland Security will reimburse the Department of State for the actual costs of those portions of administrative support and operating expenses used to provide goods and services to them through the Center. Agencies participating in the Center shall by mutual agreement provide funding for the production of goods and services by the Center to support activities that fall within each respective agency's authorities and responsibilities. Continued participation in the Center shall be subject to the availability of funds.



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The Department of State, Department of Justice, Department of Homeland Security and other members of the community of interest will provide the numbers and types of personnel needed pursuant to their respective authorities to work at, or in collaboration with, the Center. Each agency providing personnel will pay the salaries, benefits, travel expenses, and allowances of the assigned personnel.

### **Staff**

The principal determinant of the success of the Center will be its ability to draw on and integrate the diverse experience and perspectives of its full-time staff. With this in mind, it is critical that key members of the community of interest provide well-qualified personnel to the Center.

The Director of the Center will be a senior U.S. Government official who is accountable, through the Steering Group, to the Secretary of State, the Secretary of Homeland Security, and the Attorney General. The Director serves at the pleasure of the Steering Group. The first director will be nominated by the Secretary of Homeland Security and approved by the Steering Group. Thereafter, the responsibility for the nomination will rotate among the Secretary of State, the Attorney General and the Secretary of Homeland Security, with the Steering Group approving. Directors will serve for a term of three years, which may be extended for an additional two years with the approval of the Steering Group. The person nominated by the Secretary of State, the Attorney General or the Secretary of Homeland Security need not be from the agency that nominates him/her, and may include the person currently serving as Director.

The Deputy Director of the Center will be a U.S. Government official who serves at the pleasure of the Steering Group. The first Deputy Director will be nominated by the Secretary of State and approved by the Steering Group. Thereafter, the responsibility for the nomination will rotate among the Attorney General, the Secretary of Homeland Security and the Secretary of State, with the Steering Group approving. Deputy Directors will serve for a term of three years, which may be extended for an additional two years with the approval of the Steering Group. The person nominated by the Secretary of State, the Attorney General or the Secretary of Homeland Security need not be from the agency that nominates him/her, and may include the person currently serving as Deputy Director.

Unless waived by the co-chairs, the Director and the Deputy Director will not come from the same parent agency.

The Steering Group may add a second Deputy Director position from the Intelligence Community at a later date if conditions warrant. The Director of Central Intelligence in consultation with the Director of the National Security Agency will nominate a candidate for this position that will then be approved by the Steering Group.

Desk officers/analysts and other personnel shall be nominated by their parent agencies, and will then be approved by and accountable to the Director.

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All personnel assigned to the Center will require TS/SCI clearance.


**Office Space and Logistics Support**

The Center will be housed in a Secure Compartmented Information Facility (SCIF) to ensure optimal access to and exchange of intelligence information. The Department of State Bureau of International Narcotics and Law Enforcement Affairs will provide suitable office space and other required logistics support.


**Legal Issues**

Legal issues and questions that arise in the course of Center activities will be referred to the appropriate legal advisors' offices of the Departments of State, Homeland Security, Justice and other relevant agencies in the community of interest. Questions on issues relating to foreign intelligence support of law enforcement activities will additionally be referred to the appropriate legal advisors' offices of the relevant originating intelligence agency. Matters involving international law, including obligations incurred under international agreements, shall also be referred to the Department of State Office of the Legal Adviser. Legal questions pertaining to potential criminal investigations and prosecutions shall be referred to the Department of Justice.

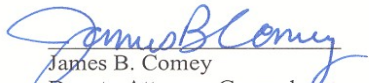
Approved by:

  
Paula J. Dobriansky  
Under Secretary Of State  
for Global Affairs  
On behalf of the Secretary of State

Date May 19, 2004

  
Asa Hutchinson  
Under Secretary,  
Border and Transportation Security  
On behalf of the Secretary of Homeland  
Security

Date 7/2/04

  
James B. Comey  
Deputy Attorney General  
On behalf of the Attorney General

Date 7/9/04